

REMARKS

STATUS OF THE CLAIMS

Claims 1-10 and 12-20 are pending in the application. Claim 11 has been cancelled without prejudice or disclaimer of the subject matter disclosed therein. Claims 1, 12, and 16 have been amended.

Support for these amendments is to be found at least in FIG 1 to 6 and on page 6, second and last paragraphs. Accordingly, no new matter has been added by these amendments and no estoppels are intended thereby.

OFFICE ACTION

OBJECTIONS

Claim 11 stands objected to in the Office Action for informalities. Claim 11 has been cancelled without prejudice. Therefore it is respectfully submitted that the objection to the claim 11 is moot. In light of the foregoing, withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 12, 13, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,161,881 to Babka et al. (Babka). Firstly, the Examiner is thanked for his exemplary assistance during a telephonic Examiner Interview on Wednesday, November 12, 2003 in which it was agreed that neither the Babka document nor any other currently cited reference discloses door latching device having a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for

reciprocating travel relative to the frame. The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 12 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 102(e) rejection to claims 12, 13, and 15 as being anticipated by the Babka document is respectfully requested in light of the amendments submitted herein and the following comments.

Claim 12 recites, *inter alia*, a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame. In contrast, the Babka document discloses a handle lever and latch bar that are both mounted to the frame (See Figures 1 and 3-6, Abstract, and Claims 1-12). As such, the Babka document fails to disclose a latching mechanism in which the handle is mounted to the door.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(e) rejection to claim 12 as being anticipated by the Babka document is respectfully requested at least because the Babka document fails to disclose a latching mechanism in which the handle is mounted to the door. Claims 13 and 15 depend from independent claim 12. Therefore it is respectfully submitted that claims 13 and 15 are patentable for at least the same reasons as discussed in response to the rejection of claim 12 as being anticipated by the Babka document. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 12, 13, and 15 as being anticipated by the Babka document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 16-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,981,054 to Hull et al. (Hull). The Applicants respectfully submit that it is

believed that the amendments submitted herein to claim 16 resolves the foregoing rejection. Therefore, withdrawal of the 35 U.S.C. § 102(b) rejection to claims 16-18, and 20 as being anticipated by the Hull document is respectfully requested in light of the amendments submitted herein and the following comments.

Claim 16 recites, *inter alia*, a door latching method wherein the handle is mounted to the door. In contrast, the Hull document discloses a latching mechanism mounted to the frame that is configured to accept a key (See Figures 1-4, Abstract and Column 3 lines 45-65). More to the point, the latching mechanism disclosed in the Hull document does not include a mounted handle. As such, the Hull document fails to disclose a door latching method wherein a handle is mounted to the door.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection to claim 16 as being anticipated by the Hull document is respectfully requested at least because the Hull document fails to disclose a latching mechanism in which the handle is mounted to the door. Claims 17, 18 and 20 depend from independent claim 16. Therefore it is respectfully submitted that claims 17, 18 and 20 are patentable for at least the same reasons as discussed in response to the rejection of claim 16 as being anticipated by the Hull document. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 16-18 and 20 as being anticipated by the Hull document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Babka in view of cited case law)

Claims 1-2, 5-7, and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Babka in view of In re Gazda, 219 F.2d 449 and also in view of In re Japikse, 181 F.2d 1019. Firstly, claim 11 has been cancelled herein without prejudice. Therefore, the Applicants

respectfully requests withdrawal of the rejection to claim 11. Additionally, the Applicants respectfully submit that it is believed that the amendments submitted herein to claim 1 resolves the foregoing rejection. Thus, the Applicants respectfully requests reconsideration and withdrawal of the rejection to claims 1-2, 5-7, and 10 in light of the amendments submitted herein and the following comments.

Claim 1 recites, *inter alia*, a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame. In contrast, the Babka document does not disclose a handle lever rotatably mounted to the door. More particularly, the Babka document discloses mounting both the handle and the latch bar to the frame (see Figures 1 and 3-6, Abstract, and Column 4 lines 26-41). As such, the device described in the Babka document is incapable of operating in a manner as recited in claim 1. Additionally, the Babka document discloses a window operator mechanism (also mounted to the frame) for opening the window outwards (see Figure 1 and Column 3, lines 55-59). As such, there would be no reason to mount a handle to the window. Therefore, it would not be obvious to one skilled in the art to modify the device disclosed in the Babka document by placing a handle on the window. Furthermore, neither the application of In re Gazda, 219 F.2d 449 nor In re Japikse, 181 F.2d 1019 correct the deficiencies of the Babka document. In this regard, both In re Gazda, 219 F.2d 449 and In re Japikse, 181 F.2d 1019 pertain to the reversal of components. As the Babka document relates to a latching mechanism in which both the handle and latch bar are disposed upon the frame, the application of In re Gazda, 219 F.2d 449 and In re Japikse, 181 F.2d 1019 would yield a latching mechanism in which both the handle and latch bar are disposed upon the door. As such, none of the Babka document, In re Gazda, 219 F.2d 449, nor In re Japikse, 181 F.2d 1019 taken alone or in any

combination disclose a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 1 as being anticipated by the Babka document in view of cited case law is respectfully requested at least because the Babka document fails to disclose a latching mechanism in which the handle is mounted to the door and a latch bar being mounted to the frame. Claims 2, 5-7 and 10 depend from independent claim 1. Therefore it is respectfully submitted that claims 2, 5-7 and 10 are patentable for at least the same reasons as discussed in response to the rejection of claim 16 as being anticipated by the Babka document in view of cited case law. In light of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 2, 5-7 and 10 as being anticipated by the Babka document in view of cited case law is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Babka in view of cited case law and also in view of Hull)

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Babka in view of cited case law and also in view of Hull. The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 1 resolves the foregoing rejection. As claims 3 and 4 depend from claim 1 and claim 1 is believed to be allowable for at least the reasons stated herein, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) to claims 3 and 4 are moot. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 3 and 4. However, in the interest of being complete, the

Applicants respectfully requests reconsideration and withdrawal of the rejection to claims 3 and 4 in light of the amendments submitted herein and the following comments.

Claim 1 recites, *inter alia*, a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame. As described above, the Babka document discloses mounting both the handle and the latch bar to the frame (see Figures 1 and 3-6, Abstract, and Column 4 lines 26-41). As such, the device described in the Babka document is incapable of operating in a manner as recited in claim 1. Additionally, the Hull document does not correct the shortcomings of the Babka document. In this regard, as described above, the Hull document does not disclose a handle being mounted to the latching mechanism nor does the Hull document disclose a handle being mounted to the door or lid. Furthermore, as agreed upon in the Examiner Interview on Wednesday, November 12, 2003, neither the Babka document taken alone or in combination with any reference currently cited by the Examiner discloses a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claims 3 and 4 as being anticipated by the Babka document in view of cited case law and further in view of the Hull document is respectfully requested at least because both the Babka document and the Hull document fail to disclose a latching mechanism in which the handle is mounted to the door and a latch bar being mounted to the frame.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Babka in view of cited case law and further in view of Dreifert)

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Babka in view of cited case law and further in view of U.S. Patent No. 5,318,333 to Dreifert (Dreifert). The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 1 resolves the foregoing rejection. As claims 8 and 9 depend from claim 1 and claim 1 is believed to be allowable for at least the reasons stated herein, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) to claims 8 and 9 are moot. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claims 8 and 9. However, in the interest of being complete, the Applicants respectfully requests reconsideration and withdrawal of the rejection to claims 8 and 9 in light of the amendments submitted herein and the following comments.

Claim 1 recites, *inter alia*, a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame. As described above, the Babka document discloses mounting both the handle and the latch bar to the frame (see Figures 1 and 3-6, Abstract, and Column 4 lines 26-41). As such, the device described in the Babka document is incapable of operating in a manner as recited in claim 1. Additionally, the Dreifert document does not correct the shortcomings of the Babka document. In this regard, the Dreifert document discloses a handled locking device which is partially recessed into a window frame (See Abstract). As such, neither the device described in the Babka document nor the device disclosed in the Dreifert document disclose a handle being mounted to the door. In this regard, neither the Babka

document taken alone or in combination with the Dreifert document discloses a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame. Furthermore, as agreed upon in the Examiner Interview on Wednesday, November 12, 2003, neither the Babka document taken alone or in combination with the Dreifert document discloses a handle lever rotatably mounted to the door and having a handle pin extending therefrom and a latch bar mounted to the frame and configured for reciprocating travel relative to the frame.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claims 8 and 9 as being anticipated by the Babka document in view of cited case law and further in view of the Dreifert document is respectfully requested at least because both the Babka document and the Dreifert document fail to disclose a latching mechanism in which the handle is mounted to the door and a latch bar being mounted to the frame.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Babka in view of Hull)

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Babka in view of Hull. The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 12 resolves the foregoing rejection. As claim 14 depends from claim 12 and claim 12 is believed to be allowable for at least the reasons stated herein, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) to claim 14 is moot. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claim 14. However, in the interest of being complete, the Applicants respectfully requests reconsideration and withdrawal of the rejection to claim 14 in light of the amendments submitted herein and the following comments.

Claim 12 recites, *inter alia*, a latching apparatus having an actuating means mounted to the door. In contrast, the Babka document discloses an actuating means, such as a handle, being mounted to the frame (see Figures 1 and 3-6, Abstract, and Column 4 lines 26-41). As such, the device described in the Babka document is incapable of operating in a manner as recited in claim 12. Additionally, the Hull document does not correct the shortcomings of the Babka document. In this regard, the Hull document discloses a removable actuating means, such as a key, configured to actuate a latching mechanism that is mounted to the frame or base (See Figure 1 and Column 4, lines 20 and 21). In this regard, neither the Babka document taken alone or in combination with the Hull document discloses a latching apparatus having an actuating means mounted to the door.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 14 as being anticipated by the Babka document in view of the Hull document is respectfully requested at least because both the Babka document and the Hull document fail to disclose a latching mechanism in which the handle is mounted to the door and a latch bar being mounted to the frame.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Hull in view of Douglas)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hull in view of U.S. Patent No. 4,500,122 to Douglas (Douglas). The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 16 resolves the foregoing rejection. As claim 19 depends from claim 16 and claim 16 is believed to be allowable for at least the reasons stated herein, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) to claim 19 is moot. Thus, the Applicant respectfully requests reconsideration

and withdrawal of the rejection to claim 19. However, in the interest of being complete, the Applicants respectfully requests reconsideration and withdrawal of the rejection to claim 19 in light of the amendments submitted herein and the following comments.

Claim 16 recites, *inter alia*, a door latching method wherein the handle is mounted to the door. In contrast, the Hull document discloses a latching mechanism mounted to the frame that is configured to accept a key (See Figures 1-4, Abstract and Column 3 lines 45-65). More to the point, the latching mechanism disclosed in the Hull document does not include a mounted handle. As such, the Hull document fails to disclose a door latching method wherein a handle is mounted to the door. The Douglas document does not correct the shortcomings of the Hull document. In this regard, the Douglas document discloses a handle mounted to a frame (See Figures 2 and 3, Abstract and Column 3, lines 30 and 41). In this regard, neither the Hull document taken alone or in combination with the Douglas document discloses a door latching method wherein the handle is mounted to the door.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 19 as being anticipated by the Babka document in view of the Douglas document is respectfully requested at least because both the Babka document and the Douglas document fail to disclose a latching mechanism in which the handle is mounted to the door.

REJECTIONS UNDER 35 U.S.C. § 103(a) (Hull in view of Dreifert)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hull in view of Dreifert. The Applicants respectfully submit that it is believed that the amendments submitted herein to claim 16 resolves the foregoing rejection. As claim 19 depends from claim 16 and claim 16 is believed to be allowable for at least the reasons stated herein, the Applicants

respectfully submit that the rejection under 35 U.S.C. § 103(a) to claim 19 is moot. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claim 19. However, in the interest of being complete, the Applicants respectfully requests reconsideration and withdrawal of the rejection to claim 19 in light of the amendments submitted herein and the following comments.

Claim 16 recites, *inter alia*, a door latching method wherein the handle is mounted to the door. In contrast, the Hull document discloses a latching mechanism mounted to the frame that is configured to accept a key (See Figures 1-4, Abstract and Column 3 lines 45-65). More to the point, the latching mechanism disclosed in the Hull document does not include a mounted handle. As such, the Hull document fails to disclose a door latching method wherein a handle is mounted to the door. The Dreifert document does not correct the shortcomings of the Hull document. In this regard, the Dreifert document discloses a handled locking device which is partially recessed into a window frame (See Abstract). As such, neither the device described in the Hull document nor the device disclosed in the Dreifert document include a door latching device wherein the handle is mounted to the door. In this regard, neither the Hull document taken alone or in combination with the Dreifert document discloses a door latching method wherein the handle is mounted to the door.

In view of the foregoing, withdrawal of the 35 U.S.C. § 103(a) rejection to claim 19 as being anticipated by the Hull document in view of the Dreifert document is respectfully requested at least because both the Hull document and the Dreifert document fail to disclose a latching mechanism in which the handle is mounted to the door.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. If it is believed that any further issue exists, the Examiner is invited to contact the undersigned agent by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event this response is not timely received or an extension is required, the Applicants petition for an appropriate extension of time. Any additional fees may be charged to or overpayment credited to Deposit Account No. 50-2036.

Respectfully submitted,

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